

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

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| Applicant's or agent's file reference AF-362 | FOR FURTHER ACTION | See item 4 below |
| International application No. PCT/US2005/010069 | International filing date (<i>day/month/year</i>) 25 March 2005 (25.03.2005) | Priority date (<i>day/month/year</i>) 29 March 2004 (29.03.2004) |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | |
| Applicant WATERS INVESTMENTS LIMITED | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

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| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 | Date of issuance of this report 04 October 2006 (04.10.2006) Authorized officer <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Nora Lindner</div> e-mail: pt02@wipo.int |
|---|--|

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 20 FEB 2006

PCT WIPO PCT

To:
ANTHONY J. JANIUK
WATERS CORPORATION
34 MAPLE STREET
MILFORD, MA 01775-3696

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|---|---|---|
| Applicant's or agent's file reference | | Date of mailing (day/month/year) 17 FEB 2006 |
| AF-362 | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/US05/10069 | International filing date (day/month/year) 25 March 2005 (25.03.2005) | Priority date (day/month/year) 29 March 2004 (29.03.2004) |
| International Patent Classification (IPC) or both national classification and IPC IPC(7): H01J 49/00; B01D 59/44 and US Cl.: 250/288, 281 | | |
| Applicant WATERS INVESTMENTS LIMITED | | |

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | |
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| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230 | Authorized officer <i>Lydia Dell for</i> John R Lee Telephone No. NA |
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Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/10069

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/10069

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-29 YES
Claims NONE NO

Inventive step (IS)

Claims 1-29 YES
Claims NONE NO

Industrial applicability (IA)

Claims 1-29 YES
Claims NONE NO

2. Citations and explanations:

Claims 1-29 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a capillary column having a first capillary and a second capillary wherein the second capillary is disposed partially within the first capillary; secured by an adhesive agent; and wherein the a portion of the second capillary protrudes from the first which is the main limitation disclosed in claims 1, 17-20 and 28. The remaining dependant claims meet the criteria as set for the because of their dependencies upon the above independent claims.

Claims 1-29 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/10069

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claims 23 and 24 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s). Claims 23 and 24 states " the capillary column of claim 22" such a statement is inconsistent since claim 22 does not have such a column.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/10069

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 1-29 are objected to as lacking clarity under PCT Rule 66.2(a)(v) because the claims 1, 17-20, and 22 are not fully supported by the description. The application, as originally filed, did not describe: the device wherein the second capillary is disposed partially within the second capillary.

Electronic Patent Application Fee Transmittal

| | | | | |
|---|--|-----------------|---------------|-----------------------------|
| Application Number: | | | | |
| Filing Date: | | | | |
| Title of Invention: | CAPILLARY EMITTER FOR ELECTROSPRAY MASS SPECTROMETRY | | | |
| First Named Inventor: | Jeffery W. Finch | | | |
| Filer: | Anthony J. Janiuk/Elaine Akaka | | | |
| Attorney Docket Number: | W-362-02 | | | |
| Filed as Large Entity | | | | |
| U.S. National Stage under 35 USC 371 Filing Fees | | | | |
| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
| Basic Filing: | | | | |
| National Stage Fee | 1631 | 1 | 300 | 300 |
| Natl Stage Search - U.S. as IPE or ISA | 1640 | 1 | 0 | 0 |
| National Stage Exam - all other cases | 1633 | 1 | 200 | 200 |
| Pages: | | | | |
| Claims: | | | | |
| Claims in excess of 20 | 1615 | 9 | 50 | 450 |
| Independent claims in excess of 3 | 1614 | 2 | 200 | 400 |
| Miscellaneous-Filing: | | | | |

Adjustment date: 05/03/2007 CBURT1
09/12/2006 INTEFSW 00001128 230503 10598799
02 FC:1633 200.00 CR